



Community Update

PENDING CLOSURE OF FLICK'S MOBILE HOME PARK

Issue #5

January 18, 2007

This is the fifth in a series of public reports from the City of Sunnyvale on important issues in our community.

Even as we write these Community Updates, projects can change. For the latest information, always check the City's Web site at www.sunnyvale.ca.gov.

Background

In October 2006, a potential developer met with City staff to discuss the possibility of closing Flick's Mobile Home Park and redeveloping the site with a medium density residential use. The developer met with park residents November 6, 2006, to discuss the plans for closing the park and transitioning current residents to other homes. City staff held a meeting November 29, 2006, to explain the City of Sunnyvale's process for closing a mobile home park.

In December 2006, the developer submitted the necessary documentation, a Conversion Impact Report, to begin the closure process. The Conversion Impact Report (CIR) will be considered by the Planning Commission and needs to be approved by the City Council. The tentatively scheduled public hearings are February 26, 2007 for the Planning Commission and March 20, 2007 for the City Council.

The City Council only has the authority to determine that either the CIR complies with the Municipal Code requirements, or that it does not. If it does not, the applicant has the option of correcting the deficiency and re-submitting the CIR. Council cannot reject the Conversion Impact Report just because they do not want the park to close.

1) May the current owner sell or redevelop the mobile home park?

The owner may sell the park to anyone. The City cannot require anyone to continue to operate a mobile home park, or any other business, if they choose to sell it. It is a private real estate transaction that does not involve the City.

The City becomes involved when an owner wants to close or convert a mobile home park to another use. The City has requirements for the developer to buy out and relocate the current mobile home park owners. The City will also review any proposed redevelopment of the site.

2) Can the City Council vote to keep a mobile home park open?

No, the City does not have the authority to force a park owner to keep their park open. If the owner decides to close (or if the park falls below a certain occupancy rate), the City can only require that they follow a certain process and meet certain requirements.

The City does the following:

- A) Ensures that a process is followed and that certain requirements are met (as spelled out in the Conversion Impact Report) when a mobile home park is closed, and
- B) Controls how the land is used – Council needs to approve any changes to the General Plan designation or Zoning. However, this is not relevant for Flick's, as there is no request to change the current General Plan designation of Industrial-to-Residential Medium Density and the zoning of Industrial-to-Residential. The land has never been zoned for a mobile home park.

3) Is Flick's Mobile Home Park going to close?

Closing Flick's Mobile Home Park is the decision of the property owner, not the City. The City can only require the owner to submit a Conversion Impact Report (CIR) and to verify that the CIR meets the requirements spelled out in the Sunnyvale Municipal Code.

4) What is a Conversion Impact Report (CIR)?

Municipal Code (SMC) Chapter 19.72 "Conversions of Mobile Home Parks to Other Uses" requires the submittal of a Conversion Impact Report (CIR) for review and approval by City Council when closure or change of use has been proposed for a mobile home park.

The Conversion Impact Report (CIR) describes the existing state of the mobile home park and provides a detailed tenant assistance and relocation plan. SMC Section 19.72.020 has specific requirements for a CIR, including:

- Names of all persons owning mobile homes or renting sites within the park;
- Characteristics of the mobile homes;
- List of vacant mobile home sites within a 20-mile radius of the park and all mobile home parks within 200 miles of the park;
- List of housing specialists and mobile home movers;
- A relocation plan, including timetables, for the residents; and
- Specification of relocation assistance.

To certify the CIR, City Council needs to make a finding that the report complies with the requirements of SMC Chapter 19.72.

5) How much is the relocation assistance?

The Municipal Code calls for minimum relocation assistance for eligible persons:

- For mobile home owners who want to relocate their mobile homes - Relocation costs:
 - (A) Housing Allowance: the Code list 1980 values which are to be adjusted to current dollar values based on inflation. The approximate amounts listed in the submitted CIR are \$3,100, and \$7,800 for a single-wide mobile home or \$30,900 for a multi-section home.
 - (B) Actual Relocation Costs to another mobile home park – this includes disassembly, transportation, and reinstallation at the new site.
- For mobile home owners who want to sell their homes rather than relocate – 85 percent of the "in-place" value (determined through an appraisal process) or cost of local relocation.
- For everyone: services of housing experts to assist in relocating to available and appropriate housing upon their request. Catholic Charities has been hired to assist in the pending Flick's closure.
- For everyone: right of first refusal for the below-market-rate housing to be built on site, if they qualify.

6) Has the City received a Conversion Impact Report for Flick's MHP?

Yes, a Conversion Impact Report (CIR) was received December 8, 2006. City staff is currently working on a staff report that includes an analysis of the CIR. The tentative public hearing dates are February 26, 2007, for the Planning Commission meeting, and March 20, 2007, for the City Council meeting. Park residents will be notified, in writing, of the public hearing date and are welcome to speak at the hearing.

7) What authority does the City Council have regarding closure of the park?

As stated in the Sunnyvale Municipal Code 19.72.080(d), City Council shall make one of the following findings on the conversion impact report:

- (1) That the Conversion Impact Report complies with the requirements of this chapter, OR
- (2) That the Conversion Impact Report does not comply with one or more requirements of this chapter. In such instance, the city council shall indicate in which respects the report does not comply with any such requirement.

City Council does not have the option of denying the Conversion Impact Report if it meets all of the Municipal Code requirements.

8) Why did City Council change the General Plan designation or zoning of the park?

The General Plan designation for Flick's Mobile Home Park has always been "Industrial." In the 1990s, the zoning was changed from "Industrial and Service" to "Industrial-to-Residential." Flick's Mobile Home Park has never been zoned as a mobile home park, even though that has been its use.

Because there is no proposed change in the General Plan designation or zoning, City Council does not have the opportunity to vote on whether to allow it to change from a land use designation as a mobile home park, as was the case for the Oasis Mobile Home Park.

9) What is the process to redevelop the site?

First, the applicant needs to submit a CIR and have it approved by City Council. Next, the applicant needs to provide proposed development plans, which will be reviewed by staff and considered by the Planning Commission at a public hearing. There will be a public notice of any public hearings related to the redevelopment of the site.

10) Has an application been filed to redevelop the site?

No application to redevelop the site has been received as of January 5, 2007. The potential developer – Clarum Homes – has met with City staff to explore the possibility of redeveloping the site with townhomes. The proposed developer has indicated an intent to complete the CIR process prior to submitting redevelopment plans. Closing the park requires approval of a CIR.

11) What are the resident's rights in this situation?

Residents have a right to participate in the City's review of the CIR regarding the relocation and buy-out process for Flick's. Residents may speak at the public hearings which are tentatively scheduled for February 26, 2007, for the Planning Commission, and March 20, 2007, for City Council.

12) What can the City do to protect the mobile home park residents?

The City has specific Municipal Code requirements and policy statements to protect residents, including relocation assistance and purchase of the mobile home, if desired by the owner.

Municipal Code Requirements

In the 1980s, the City adopted *Conversion of Mobile Home Parks to Other Uses (SMC 19.72)* into the Sunnyvale Municipal Code. Chapter 19.72 was adopted in response to multiple mobile home park closures. It is intended to address the impacts on park residents while balancing the owner's right to redevelop the property. It establishes procedures and requirements that must be met if a property owner wants to close a park. Sunnyvale Municipal Code is available online at *MunicipalCode.inSunnyvale.com*

Municipal Code Section 19.72 states that a mobile home park may undergo a change of use in one of two ways:

- 1) The owner files a development application to change the use, or
- 2) The park vacancy rate falls below a certain level (25 percent or more of the total number of mobile home sites) - this is considered a change of use because it indicates the likelihood of impending park closure.

City Policy

The City also has policies which provide general guidelines, but are not legal requirements. The current Housing and Community Revitalization Sub-Element of the General Plan, adopted by City Council in January 2002, has two policies regarding tenant protections:

- Policy C.9. Minimize displacement impacts on tenants as a result of rehabilitation programs or land use changes.
- Action Statement C.9.a. Require as a part of the City's application approval process that any land use change or rehabilitation program that displaces tenants shall include a plan stating the efforts taken by the property owner to assist relocation of tenants, including payment of relocation costs.

The tenant relocation plan could include:

- Favorable rental or purchase arrangements after work is completed
 - Location of vacancies in similar housing
 - Fixed payments of moving costs
 - No rent increases upon application and until relocation is secured
 - Right of first purchase refusal
 - Reduced purchase price options
 - Assistance in locating new housing.
- Policy D.5 Preserve mobile homes as an affordable housing option.
 - Action Statement D.5.a. Maintain land zoned for mobile home parks.

The City has a goal to maintain 400 acres zoned for mobile home parks, and current zoning meets that goal. It is important to note that policies provide general guidelines, but are not legal requirements.

13) Can the City change the process or requirements or policy?

Yes, to a certain extent. While the City can control land use and establish certain conditions, the City cannot be overly restrictive of private property. If the City is too restrictive, the property owner may challenge the City's requirements in court.

The City of Sunnyvale's process for changing policy is through the study issue process, which requires the issue to be included in the potential study issues which are ranked by the City Council each December. Normally, a change to the procedure does not affect a pending application.

14) What City resources are available to residents?

For questions about the City's review process, contact Jamie McLeod, Associate Planner, at (408) 730-7429.

For questions regarding Sunnyvale Housing programs, contact Ernie DeFrenchi, Affordable Housing Manager, at (408) 730-2784. He can provide information on the eligibility list for Below Market Rate (BMR) ownership and rental housing, and other city housing programs. Information is also available on the Web at *AffordableHousing.inSunnyvale.com*.

The City's BMR waiting list will be opened from February 1, 2007, until 4 p.m., February 28, 2007. Please contact DeFrenchi if you would like to be put on the list.

15) Where can residents go for advice?

You always have the right to retain private legal counsel. For low income persons, there are low- or no-cost resources at the state and local levels.

Senior Adults Legal Assistance (SALA) is a legal assistance resource and may be contacted at (408) 295-5991. They schedule appointments at Sunnyvale Community Services about one day a week. The Mobile Home Ombudsman is a division of the State Department of Housing and Community Development. They process complaints from the public related to living in manufactured homes and mobile homes. Their staff provides information, coordination, referrals and other assistance. The California Mobile Home Ombudsman can be reached at (916) 445-4782 or online at <http://www.hcd.ca.gov/codes/ollombpg-menu.html>.

Project Sentinel is a local nonprofit organization that works on tenant-landlord conflicts and tenant rights. Project Sentinel may be reached at (408) 720-9888.



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